



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Eighth day of November Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.18006 of 2018

1.S.M.RAMZAN ALI

2.M.HAWWA BEEVI @ HAMMA BEEVI ... PETITIONERS / ACCUSED NOS.2 AND 7

Vs

THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
(CRIME NO.47 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.I.PINAYGASH Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor.

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners / A2 & A7, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 465, 406, 420 and 120(B) of IPC., in Crime No.47 of 2015, seek anticipatory bail.

2. The case of the prosecution is that all the accused in this case have joined together and cheated the defacto complainant to the tune of several lakhs.

3. The learned counsel appearing for the petitioners would submit that a business transaction is being given criminal colour and the transaction between the petitioners and the defacto complainant took place during the year 2002 and the complaint came to be lodged in the year 2015. Further, in this case, this Court had granted anticipatory bail to the first accused in Cr1.O.P.(MD) No.18651 of 2015, by order dated 11.03.2015 and for A4, in Cr1.O.P.(MD)No.11191 of 2017, by order dated 04.09.2017.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that all the accused in this case have joined together and cheated the defacto



complainant to the tune of several lakhs. He would further submit that custodial interrogation of the petitioners is necessary in this case.

5. Considering the above facts and circumstances of the case and also considering the fact that this is a case, which has been registered in the year 2016 and this Court had granted anticipatory bail to A1 and A4 and that all the accused had conjointly committed the offence, this Court cannot take a different view for these petitioners. Hence, this Court deems it fit to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Paramakudi, Ramanathapuram, on condition that each petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that;

[a] the petitioners shall report before the respondent Police, as and when required.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate / Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(AIR 2006 SC 100)].

[e]. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

08/11/2018

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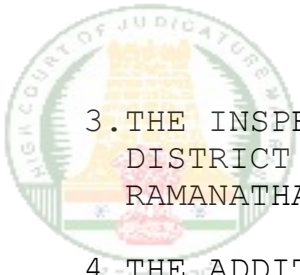
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,

<https://hcservices.courts.gov.in/hcservices/>



3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH
RAMANATHAPURAM DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr. I. PINAYGASH Advocate SR.No.21278.

ORDER

IN

CRL OP (MD) No.18006 of 2018

Date : 08/11/2018

RAM/PN/SAR 1/13.11.2018/3P/6C